

REMARKS

OF

HON. DELAZON SMITH, OF OREGON, IN THE SENATE OF THE UNITED STATES.

FEBRUARY 22, 1859.

The Senate, as in Committee of the Whole, having under consideration the bill making appropriations for the legislative, executive, and judicial expenses of Government for the year ending the 30th June, 1860, Mr. HALE, of New Hampshire, offered the following amendment as an additional section:

And be it further enacted, That the first section of the act entitled "An act for the admission of the State of Kansas into the Union," approved May 4, 1858, be, and the same is hereby, amended, by striking out the following words, to wit: "whenever it is ascertained by a census duly and legally taken, that the population of said Territory equals or exceeds the ratio of representation required for a member of the House of Representatives in the Congress of the United States;" which words are hereby repealed.

In the course of Mr. HALE's remarks, he said :

"I appeal, then, to every Senator upon this floor who voted for the admission of Oregon, that he vindicate his reputation for consistency by voting to repeal this unjust, this odious, this unconstitutional restriction against the people of Kansas. I do hope that these distinguished gentlemen who have signalized the advent of Oregon into this sisterhood of States by their advent upon this floor, will manifest their consistency by applying to Kansas, at least, if not the benefit of the Constitution, the principles of that Christian religion which calls upon them to do unto others as they would be done to. I do not ask the distinguished Senators from Oregon to come up to that standard, but simply ask them to do unto others as they have been done by, not as they would be done to."

Mr. SMITH. The Senator from New Hampshire calls upon the Senators from Oregon to do as they would be done by, or rather as they have been done to. I would like to inquire of the distinguished Senator from New Hampshire whether he desires the Senators from Oregon to do by Kansas, in this instance, as he, the Senator from New Hampshire, did by Oregon. We are here, but not, I believe, as the result of that gentleman's vote.

But I rose, sir, for another purpose. I desire to be understood in my position in relation to this matter, and in relation to the vote which I shall give upon the proposed amendment. I am not particularly partial, and never have been, to the Kansas restriction. I regretted its passage through Congress. If Kansas were now here, notwithstanding that restriction—here at the instance of her own people, presenting a constitution of her own choice, of her own adoption—asking admission into the sisterhood of States, she would receive my vote. But, it occurs to me that there is no necessity just now for ascertaining the sense and judgment of the Senate in relation to that restriction, from the fact that Kansas herself is not here; she is not propounding this question to the Senate; she is not calling for a vote. On the contrary, her Delegate in the other House affirms that she is not prepared to come into the Union, and does not now desire to come in; that she is pursuing the arts of peace; she is recovering from that tornado; she is recovering from that siroccoblast which has rolled, at the instance of men outside of her borders, over that fair land. I am disposed

to let her recuperate her energies, and come up here in her own time and her own way, as Oregon has done. When she shall have done works of repentance first—done her work over again; when she shall have gone back to the starting point, and, not only abjured outside interference, whether it be by “Missouri border-ruffianism” or “New England emigrant aid societies;” when she shall come for herself; when the voice of her people shall be fairly ascertained, and gathered up and presented here, it will be time enough for the Senate and House of Representatives—for the Congress, to regulate their action, and, if they have committed an error, to right it.

In the meantime, I repeat, she is not asking additional or renewed agitation, here or elsewhere, through the country; and, in my humble judgment, but for the agitation which has been engendered in Congress, which originated here, which had its seat and its home from among statesmen and politicians, outside of the borders of Kansas, her record would have been a very different one from that which exists to-day, and which has induced the shedding of blood in Kansas; which has diverted the attention of the people there, the honest, *bona fide* settlers of that country, from the pursuits of husbandry—from the pursuits of peace. I see no occasion for reviving this question at this hour, and at this time. Will you let Kansas alone, when she herself elects to pursue the course of peace, and to bide her own time, to be governed by her own volition, and her own will; or must agitation, useless, in my judgment, originate here? Is it germane to the question before the Senate? Does it pertain legitimately to the bill under consideration that a restriction, now dead, now obsolete, now inoperative, must be repealed? Wherefore?

It is said by the organs of the party represented in part by the gentleman from New Hampshire, and said, I think, outside of the record, and in disregard of the fact, also, when a comparison is instituted between Oregon and Kansas, that Kansas has a much larger population than Oregon. That I do not conceive to be true. I believe Oregon has thirty-three and one-third per cent. more inhabitants to-day than Kansas has ever boasted. That is affirmed; but if it be true, as it is alleged in some quarters, that she has an amount of population equal to the ratio of representation in the House of Representatives, where is the necessity of the repeal of that which is, in effect and in fact, a dead letter? If she has the population, it is no kindness to her, and would not be, if she were now moving in the formation of a State government.

If, sir, the effect of my vote on the proposed amendment was simply to affirm my non-concurrence in the original restriction, or if by recording an affirmative vote, I could render any kindness to the people of Kansas; if it were to contribute to staunch any bleeding wound; if it were to eventually restore peace to Kansas, where disorder now reigns; if it were to facilitate her introduction into the sisterhood of States, in pursuance of her ascertained will, then I should not hesitate to vote affirmatively; but neither of these things are to be accomplished by this vote. I think the proper issue, the proper result, to be attained by any vote at this time upon this question, should be labeled all over “Buncombe;” and therefore I shall vote against the proposition.

FEBRUARY 23, 1859.

The same bill being under consideration.

Mr. SMITH. I know it is late Mr. President—

Mr. SIMMONS. Will the Senator give way for a motion to adjourn?

Mr. SMITH. I propose to occupy only a few minutes. Mr. President, I

rose for the purpose of submitting a very few observations. I think it is mete I should respond very briefly to the Senator from Wisconsin, (Mr. DOOLITTLE.) I had the honor of that gentleman's acquaintance some twenty years since, when we were citizens of the same city; and I bear him testimony that, at that time, he was what was regarded as a sound and radical Democrat. To-night he has favored the Senate with a very good stump speech, which would have sounded very well in that day, at least a very considerable portion of it. He has undertaken to enlighten the Senate as to the grounds of his defection and alienation from the Democratic party. I would have known, sir, had he not dwelt so extensively upon that subject, that he had left the Democratic party, inasmuch as he has predicted, with a great deal of assurance to-night, the dismemberment and the defeat of the Democratic party. It would be cruel in me to rob him of that hallucination; for I have discovered, after some twenty-five years' experience in political life, that our political adversaries enjoy most of their triumphs before an election. The Senator from Wisconsin sees, in the discussion here to-day, the dismemberment of the Democratic party; that it is routed horse, foot, and dragoons, and that the Republican party, under the leadership of the prominent men of that party, is riding into place and power over the prostrate body of the Democratic party in this country.

"Optics sharp, it takes, I ween,
To see what is not to be seen."

Let me suggest to the young convert to the Republican party not to lay this flattering unction to his soul. Now, as in days past, it is reserved to the members of the Democratic party and to its honored representatives in the Senate and counsels of the nation and elsewhere to differ, in the progress of this nation, upon questions as they may arise; but however much they may differ as to questions of national concernment, in their inception and progress, they seldom ever differ on the final, paramount question into whose hands the destiny of this great nation shall be committed. They will be found united when the proposition shall be reduced to this complexion; whether the Democracy of this nation, who have built all along the pathway of our progress, from the days of Jefferson to this hour, monuments—speaking evidences of their progress and their triumphs, which have been the progress and the triumphs of this nation—shall continue the custodian of political power, or whether it shall be transferred into the hands of a sectional party who would array one portion of this Union against another—when that shall be clearly presented to the American people, I opine, sir, in the light of the past, there will be but little difference between Democrats—North and South, East and West.

It is not my purpose to follow the gentleman in his political speech, which has culled and gleaned and gathered up the political questions of the twenty years last past. I was much obliged to the Senator before he took his seat for informing the Senate what the question here pending was. I should have inferred, from the major portion of his speech, that a national bank, a high protective tariff, the distribution of the proceeds of the public lands, or the assumption of State debts, was in issue here; but he did announce, before he took his seat, that the question was, whether this Senate should repeal by its vote, so far as it could, as a constituent portion of the Congress, the Kansas restriction. Now, sir, I said last evening, when I had occasion to submit a very few remarks to the Senate, in response to a direct appeal upon the part of the senior Senator from New Hampshire, (Mr. HALE,) to the Senators from Oregon, that I regarded this question, this amendment, this proposition, as illegitimate to the ques-

tion before the Senate. Here is an appropriation bill. We are upon the heel of the session. The Senate is soon to adjourn. There are questions of weighty and paramount importance involved; and at this juncture, the Senator from New Hampshire comes forward at his own election, at his own instance, unbidden by the people of Kansas, and proposes this amendment. I characterized it as illegitimate and improper, as I knew the discussion to which it would give rise would be. I intimated in the remarks which I then submitted, that the Senator from New Hampshire was prompted by partisan consideration, rather than the public good, in proposing this amendment. If that gentleman would desire to know my opinion of the extent of the partisan influence which prompted him to this movement, I could indicate it in no other way, better than by declaring my conviction, founded upon the record of the legislation of the Senate, and of Congress since he has been a member, and Oregon has been a Territory, that there has never been a single instance in the history of Oregon, and she now numbers more than ten years under her organic act as an organized Territory of this Government, when that Senator has pleaded the wants or the wishes of *that* people. We have come to the doors of the Capitol from that distant land, time and again, with our wants. We have preferred our wishes, we have pleaded our interests and our rights. Ay, sir, and when the people *en masse* have been permitted to pass upon propositions submitted to them by a five-sixths vote, we have never failed, with such an indorsement upon the part of the great mass of the people, to find that gentleman arrayed against us and our ascertained will; and yet, when Kansas is alluded to, the gentleman exhorts us to heed the views of the majority of the people of *Kansas*.

"Look upon that picture, and then upon this." The majority of the people of Kansas can always arrest the gentleman's attention, and secure his coöperation, his voice, and his vote. Five-sixths of the people of Oregon have ever failed to arrest his attention, his voice, and his vote. While upon this floor, opposing the application of the people of Oregon for admission into the Union by voice and by vote, he comes up here upon the occasion of the introduction of this amendment, and introduces an argument drawn from the speech of a distinguished member of the other House, upon the Oregon bill, in favor of the repeal of the Kansas restriction. I think now, as I thought yesterday, that party has more to do with this amendment than country; the individual partisan desires and aspirations of Senators, more than the will and the *ipse dixit* of the people of Kansas. I said then, as I repeat now, that whenever the people of Kansas, be their numbers sixty thousand or eighty thousand, more or less, shall, in their own chosen time and way, perfect a constitution and present it here and sue for admission, I will, if at that time occupying a seat upon this floor, vote for their admission.

Kansas, in voting down the Lecompton constitution, have practically, in my judgment, repealed this restriction; for the restriction hath this extent, no more: Kansas applied for admission. Congress, instead of admitting her, imposed conditions; which the people of Kansas have negatived. They have said they will not come into the Union under that constitution, and in the mean time, since the date of that vote, they have not moved in the premises; they have called no convention, formed no new constitution, made no new application to Congress. The people of Kansas have said, by their vote in rejecting the Lecompton constitution—and in saying that they indorse the doctrine and declarations entertained and uttered by their friends upon the floor of the Senate and the House—that every proposition, from the inception to the *finale* in the organization of the State

government, should be submitted to a direct vote of the people. Oregon adopted that course, and it took her two years to pass from the inception of the proposition to form a State government to its consummation. If Kansas should improve on that time one hundred per cent., it will require one year. She has not taken the initiative; she is not here; she is not moving; she is not pressing at the doors of the Capitol.

Now, sir, when we have but six or seven working days remaining of this Congress; when all the important bills are still pending, still incomplete, still unpassed, a Republican Senator from New England comes in here, without authority of the people of Kansas, against the protest, and in violation and in opposition to the protestations of their chosen Delegate in the other branch of Congress, and moves what I still regard as an illegitimate and uncalled-for amendment to this appropriation bill. It has already consumed some two days of the session, and promises to consume more time. If the effect of this amendment shall be to render necessary the calling of an extra session of Congress, at whose door lies the responsibility of it but at the door of that Senator?

I find myself betrayed, Mr. President, into talking longer than I intended. To come back to the discussion which has arisen upon this amendment in the Senate, I must say, in a very few brief monosyllables, that the answer of the distinguished Senator from California, (Mr. BRODERICK,) and the other distinguished Senator from Ohio, (Mr. PUGH,) who coincides substantially with him, has been unsatisfactory to me to-day. I allude to the question propounded to those Senators when they were addressing the Senate—propounded and re-propounded, time and again, to which, in my judgment, there was no satisfactory answer given. I will preface any further allusion to this point by saying that, anterior to the decision of the Supreme Court in the Dred Scott case, I held the doctrine—proclaimed it through the press, and upon the stump—that the people of the Territories had the right to determine this question of slavery for themselves, to inhibit it, to tolerate it, to protect it, or to drive it out of their country. The last gentleman upon the floor, I believe, the junior Senator from New Hampshire, (Mr. CLARK,) stated that this doctrine was never promulgated until 1857. Perhaps he meant 1847; but the truth upon that subject is, that General Cass, when a member of General Jackson's Cabinet, proclaimed that doctrine and published it extensively. General Cass has held that doctrine for some thirty years past.

Mr. CLARK. I suggest to the Senator that I gave no date, except the passage of the Kansas-Nebraska bill in 1854. I alluded to no other date, or no other event.

Mr. SMITH. I understood the gentleman, Mr. President, to speak of this doctrine of the right and the powers of the citizens of Territories as a very modern doctrine, and he fixed date to it. General Cass, twenty-five or thirty years ago, held the doctrine of popular sovereignty in the Territories, which I have quoted; and I, as an humble disciple, held that doctrine, and taught it until the enunciation of the decision of the Supreme Court in the Dred Scott case, to which, as a law-abiding man, I most humbly bow.

Aside from the stump speeches, aside from irrelevant matter, aside from that which antedates this question as it now presents itself, or has for six years last past, to the country, there is, as I conceive, but one main, paramount point elicited in the discussion to-day, and that is this: I understood the distinguished Senator from Illinois (Mr. DOUGLAS) to-day in his leading speech, to declare that the people of the Territories of this Union had no political or legislative power except that which they derived from their organic act; that all political and legislative power in this country, outside

of the independent and sovereign States of the United States, resided in Congress, under the Constitution; that the people of the Territories, as a sequence, had no political or legislative power except what was derived from Congress through their organic act. He, and other Senators, go back to the origin and passage of the Kansas-Nebraska act; to the decision of the Supreme Court, to which reference is constantly made, and which is subsequent, in point of time, to the Nebraska-Kansas act. Now, I understand the Senator from Illinois, and the Senator from Ohio, to admit that the Supreme Court have decided, in effect, that the people of the Territories have no political and legislative power except what they derived from their organic act; that the Constitution of the United States carries slavery into the Territories, or protects it when there. Now, if this be true, that the people of the Territories have no legislative power except that which they derive from Congress; and, if it be also true, that the Constitution of the United States carries slavery into the Territories, or protects it, being there, where does the Legislative Assembly of the Territory derive this power to inhibit slavery? The stream cannot rise above its fountain; the effect cannot transcend its cause; and if all the legislative power which they have is derived from Congress, and that is recorded in their organic act, and Congress itself has no power to inhibit slavery in the Territories, the Constitution carrying it there and protecting it when there, whence does the Legislature of the Territory derive this power to inhibit slavery? That question, in some form or other, has been asked repeatedly; and, I think, not satisfactorily answered.

The Senator from Illinois says, to be sure, in response to this interrogatory, if any man is injured there, let him go to the Supreme Court for an answer. But where is the occasion of going to the Supreme Court, when, since the passage of the Nebraska-Kansas act, the Supreme Court have anticipated and decided that question by declaring that there is no power in Congress to inhibit, and that the people of the Territories have derived all the power they possess from Congress? I will not consume the time of the Senate upon that point. I am in favor, just so far as it is consonant with the Constitution of the United States, (and I take my interpretation of the fundamental law from the Supreme Court,) of the exercise of the largest sovereignty, the largest political rights and privileges, upon the part of the people of the Territories.

Now, sir, as has been well said to-day, this is anticipating a question which has not arisen, and may never arise. It is, therefore, for the time being, practically an abstraction; and this matter has been sprung, not, as I conceive, by the Democratic party, or by a Democratic member of the Senate, but by a member of the Opposition, for the purpose of dividing and distracting, as I opine, the counsels of the party at a momentous period in the legislation of the country. Now, it occurs to me that it would be wise in the Senate to vote down this amendment, and proceed to pass upon the legitimate portions of the bill, or upon the bill in the aggregate, and proceed with the necessary legislation of the country. It will be time enough for the Democratic party, it will be time enough for the Senate, and time enough for the country, to pass upon the question of the power of the people of the Territories when such a question shall arise. In the mean time, so far as this amendment, in its letter, is concerned, it amounts to simply this: will you repeal the Kansas restriction? That amendment is, professedly, predicated upon the preceding provision of the bill, that \$20,000 be appropriated to take a census of the people of Kansas. It is immaterial to me whether the census of the people of Kansas is taken, or not. I differ with gentlemen upon that subject. Senators

have urged here, if you strike out that section we will not insist upon this amendment. It occurs to me that the amendment is still more illegitimate and uncalled for because of the existence of that provision in the bill. Why? The people of Kansas, those who are anxious for a State government, are affirming, and the members in their interest affirm, that they have the numbers sufficient for a member of Congress, and that, if they have not that amount now, one year more of emigration will give them ninety-three thousand four hundred and twenty, and upwards. If that be true, or anything like true, then we have nothing to fear; they are not delayed. The Government proposes to take an enumeration of the people there, for the purpose of ascertaining the population. If there be any cogency, and pertinency, any reason for that provision in the bill, there is certainly no reason, at the same time and coeval with it, for repealing this restriction; because, if the restriction is repealed, we say by that repeal that we no longer impose any conditions as to population upon you, and, as soon as you can frame your State government, and apply at the doors of Congress, we are prepared to receive you; and, therefore, there is no necessity of enumerating the people; but, in the mean time, if this enumeration is to take place, there is certainly, in my judgment, no occasion for the repeal.

I am not in favor of that restriction. I repeat, I have no objection abstractly to its repeal, if that would be the effect of it; if Kansas were here with her constitution in her own chosen way applying for admission, and I were to vote for her admission, that would be in effect to vote for the repeal of this restriction, and that I would be prepared to do, provided always that she comes here legitimately and in the right way, in her own chosen way, without foreign interference. When she shall have adopted a constitution, and followed the example set to her by Oregon, if the number of her inhabitants is about that, or in the neighborhood of that of Oregon, sufficient for a member of Congress, I should not be particular; but I will not hold out a premium for this species of legislation, illegitimate and uncalled for, which embarrasses legislation, delays legitimate legislation, if not with a view, with the end, the certain end of embarrassing the Government. I will do that which my constituents sent me here to do, that which is in itself right and proper and legitimate, and attend to every case and proposition as they may arise.

FEBRUARY 24, 1859.

The Senate, as in Committee of the Whole, having under consideration the bill to establish certain Post Routes, and a proposed amendment thereto, abolishing the franking privilege.

Mr. SMITH. I should like to understand what the question is. I hope the amendment will be read, in order that we may understand what the question is.

The Secretary read it.

Mr. KING. That, it seems to me, is abolishing the franking privilege; retaining, however, the right to all persons who now have it, to receive whatever they may receive through the mail, free, which is just no abolishment at all. I move to strike out the last clause.

The PRESIDING OFFICER. In the opinion of the Chair that would not be in order, the pending amendment being an amendment to an amendment.

Mr. KING. Then I shall vote against it.

Mr. DAVIS. I wish to say to the Senator from New York that, if I hear him correctly, he misapprehends the import of the amendment. It allows a Senator no franking privilege whatever—not a particle of it.

Mr. KING. But it leaves him the right, as I understand it, to receive whatever comes to him through the mail free of charge.

Mr. DAVIS. Precisely.

Mr. KING. I call that franking.

Mr. DAVIS. I do not call that franking. I call it receiving matter free of postage; and as a public agent, who should not shut himself from being approached by the people, one upon whom they have a right to call whenever they think proper, to whom they have a right to give information which affects the public interest and which they require to be transacted by him, I think it proper that they should have the right to approach him without prepayment, and that he should have a right to receive it without paying for it.

Mr. CLAY. I do not intend to make a speech, but I desire to say, I do not wish the people to be empowered or imprivileged to write to me without prepaying their letters. I get a great many more than I care to read that come free. As far as my constituents are concerned, I believe, I can safely say, near half, more than half, prepay their letters. I do not think that anybody who has anything to communicate worth being told or read can object to prepaying three or five cents. I hope the amendment will not prevail.

Mr. SMITH. The postage upon mail matter from Oregon costs some two hundred per cent., and upwards of that, more than of any Atlantic State. Whilst we are endeavoring to retrench, if there be any reason for retrenchment, I hope we shall make a clean breast of it, and abolish this franking privilege altogether. Gentlemen here say this is not the franking privilege when the matter comes to you free; but in my judgment that is a distinction without a difference. So far as the revenues of the Department are concerned; so far as the Government is concerned, it is practically a franking privilege. Your constituents frank to you. My own idea about this matter is, that there should be at the expense of the Government a free communication kept up between the representative and the represented, between the people and the congressmen; and that they should have all necessary facility to that end. But it is argued that this privilege is abused, and that a vast expense is engendered thereby, footed by the Government, and in order to obviate this abuse, to prevent it, to exterminate it, it is proposed to abolish the franking privilege.

Now, sir, so far as myself and my constituents are concerned, it is a matter of small moment. I remember to have read, a year or two since, a speech pronounced in the Senate here by the junior Senator from Kentucky, (Mr. THOMPSON,) a facecious speech, in which he said that the people of his portion of the country had no particular knowledge of their relation to this Government, or their connection with it, so far as any benefits were derived directly, except that they saw, occasionally, upon the stage-coach, the letters "U. S." Now, I know that my constituents appreciate any document sent from Congress through the mails to them; and I would be disposed, I repeat, as an abstract proposition, to advise them of all that passes here. But, inasmuch as the proposition is, in fact and in effect, to preserve the funds of the Government, and to cut off expense, and to abolish the franking privilege, which leads to abuses and extravagances, I am, I repeat, for doing it effectually. I am prepared to vote for a proposition that shall cut it off entirely, so that the constituent who has occasion to address a representative here may pay his own postage, and the representative in return pay his; and, though it falls heavily upon the representative from the Pacific coast—for it is two hundred per cent. larger than that which falls to the lot of any representative from the Atlantic States—I am prepared to meet it, for the purpose of retrenchment.

As a representative, in part, from the Pacific coast, I have another and a special reason for that vote, and it is this; it is complained on the part of Congress that the postal arrangements between the Pacific and Atlantic States imposes an onerous burden upon the Government, and there is a disposition to interdict overland postal facilities between the Atlantic and Pacific coast, because of the enormous expense. I know very well that whilst this franking privilege obtains, it will be impracticable, if not impossible, to convey the mail matter overland across the continent; but for all the purposes of commerce and for letter communication overland, mail facilities will be acceptable to the Pacific and the Atlantic, to the commercial men of the country; and, therefore, I am willing to break, to cut down, to discourage this heavy mail matter; and discouraging it so far as it pertains to the mails, we shall discourage the printing—the original cause. I agree with gentlemen who suggest that this is scotching the snake, not killing it; and that whilst you reserve a partial franking privilege, you but partially cure the evil; and I would prefer to vote directly, so far as Congress is concerned, to abolish it altogether.

Mr. Fitzpatrick moved to strike out the seventh section, which is in these words:

“SEC. 7. *And be it further enacted*, That the eighteenth section of the ‘act to reduce the rates of postage,’ &c., approved March 3, 1845, shall be so construed as to prohibit the Postmaster General from making contracts for the transportation of the mail with any view to the transportation of passengers, and to restrict him in making such contracts to the acceptance of such bids only as shall provide for the conveyance of the mails.”

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Mr. SMITH. Do I understand that this debate is out of order?

The PRESIDING OFFICER, (Mr. STUART.) The Chair decided that the range of debate which was going on at the time he interposed was out of order.

Mr. SMITH. I conceive, then, that I shall be in order if I submit a very few remarks. (“Very few!”) Senators around me suggest “very few.” Well, sir, they shall be very few, and right to the point. I regret, Mr. President, that, being so new here, I am called upon to say anything; but I rise for the purpose of supporting the proposition to strike out the seventh section of this amendment of the Post Office Committee, in opposition to the views enunciated by the Senator from Massachusetts; and I feel impelled to do so from the fact that this section, as it stands, affects the people of the Pacific coast more than any other portion of the people of the United States. The gentleman from Massachusetts insists that this shall remain in the bill; he resists the motion to strike it out, and wherefore? Because Massachusetts, on account of her numbers and wealth, and her railroad facilities, has no need of its retention. Sir, Massachusetts was once young and new. Massachusetts, in her history, had mail facilities before the application of steam to the propulsion of cars upon land; before the magnetic telegraph was invented and used for the conveyance of intelligence. Then Massachusetts stood at the doors of the Capitol like an insatiate leech, crying, “give! give! give!” Massachusetts, a manufacturing community, has applied, from the origin of the Government to this hour, to the Congress of the nation, representing a common constituency, for protection. Massachusetts has demanded of this Government that it should be protected in its local interests, and in its local pursuits; and it has had protection until the lords of the loom have waxed fat; until Massachusetts has become rich, and holds the purse-strings of the nation; and she says she will no longer suffer the new States of this Union to draw upon the resources of the nation. Sir, the rattle of the mail coach, and the sound of the driver’s horn, were heard in New England long before

they had railroad facilities, and then they were willing to draw upon the resources of the nation; but now that steam and electricity have superseded the stage-coach, and New England, in the plenitude of her power and wealth, is enabled to support her own facilities, the gentleman from Massachusetts gets up here with a great deal of self-complacency, and appeals to the wealth, to the resources of Massachusetts, and her contribution to support common postal facilities, and says she pays more than her *pro rata*. Does she? Is nothing due to the new States of the Union; nothing due to the mighty West? Or will you insist that Oregon and California shall be limited in their postal facilities to the amount, as compared with Massachusetts, which they pay for postal facilities?

The PRESIDING OFFICER. The Chair would suggest to the Senator from Oregon that his remarks are in the same vein which he arrested before. The Chair thinks that the present comments of the Senator are not applicable to the motion before the Senate.

Mr. SMITH. The gentleman from Oregon submits to the decision of the Chair with this amendment, that the Chair did not stop the other gentleman until he got through. (Laughter.)

The PRESIDING OFFICER. The Chair allowed a very wide range of debate, and only made a suggestion to the Senate that he thought that it had gone to a length which the Senate would not be willing to admit. The Chair will hear the Senator, so far as he is concerned, with great pleasure.

Mr. SMITH. Will the Chair repeat what he said? I do not exactly understand him.

The PRESIDING OFFICER. The Chair stated that he only arrested the debate before, when he thought it had gone as far as the Senate desired to hear it; but that so far as concerns himself, he has no objection to hearing the Senator from Oregon to any extent that it pleases him to go.

Mr. HUNTER. I hope gentlemen will confine themselves to the debate in order. We want to get the question.

The PRESIDING OFFICER. This debate is not in order on the motion now pending.

Mr. BRODERICK. I hope the gentleman will be allowed to proceed.

Mr. WILSON and others. Go on.

The PRESIDING OFFICER. If there be no objection, the Senator will proceed.

Mr. SMITH. I have the consent of the distinguished Senator from Massachusetts to proceed. I said, Mr. President, that Massachusetts had applied at the doors of the Capitol for protection, and now she receives a very large proportion of her circulating medium from the Pacific coast, and she receives a large proportion of the materials for her industry and wealth from the Southern States of this Union. In possession of the cotton of the South, and in possession of the gold of the Pacific, she turns round and makes war upon the South and upon the Pacific, and the facilities of intercommunication with the Pacific.

Now, I inquire, who is benefited by the postal intercommunication with the Pacific coast? Are not the people of New England and of the Atlantic seaboard States? What are their commercial relations with the Pacific? Have they not a subsisting, abiding, and paramount interest in postal communications with the Pacific coast? Oh, yes, says the gentleman; but we will retain the seventh section of this amendment, and inhibit the Postmaster General from making any contract on any route whereby passengers shall pass to and fro between this and the Pacific coast. The gentleman's own constituents, commercial men of New England, commercial men of the Atlantic seaboard go to the Pacific coast in pursuit of gain and commercial enterprise, but the Senator would not allow the Postmaster

General to make any contract with any view to the accommodation of passengers to the Pacific coast. Judging by the gentleman's speech, and other speeches which have been made on that side of this proposition, we should infer that those States were not only independent and sovereign in a general sense, but that they were independent and sovereign, so far as the postal arrangements of the Government were concerned. I do not so understand it. I understand that the Congress of the United States, as the custodian, the guardian, the representative of all the States, regulates the postal arrangements of this Government, and if that be so, why is it that Massachusetts gets up here and says: I have paid sixty-two and a half cents more than you have, and, therefore, you are not entitled to these facilities? If it be a governmental arrangement; if the United States Government, speaking through the Senate and House of Representatives, control this matter; wherefore should one State insist that it ought to pay no more than its sister State into the revenue of the Post Office Department? Sir, I hold it to be the duty of the Government, the duty of the elder States of this Union, a paramount duty, and an interest as well as a duty, to afford to the new States, to the weak States, and the remote States of the Union, postal facilities, for thereby you bind those States in their social, commercial, and political relations to the elder States of the Union.

Sir, I look upon this Union, in relation to its Army, its Navy, its Post Office Department, and all those general and paramount features which stamp it and characterize it, as a parent Government, I look upon it as an entirety. This is the soul, the center, the great heart, and the blood must circulate from this center to the circumference; and if you, in a legislative or political sense, withhold these advantages, this medium of communication, you paralyze the extremities; and for an elder State of the Union, like Massachusetts, to stand up in the Senate, and say that whilst, by the act of Congress, we have acquired possessions upon the Pacific coast; whilst we have settled our rights in Oregon, and acquired possessions there; whilst we have, as the issue of the war with Mexico, acquired Utah and New Mexico and California, we are under no obligations, now that we are numerous, and wealthy, and powerful, to contribute anything to unite that people to us, and keep up a communication with them, and to facilitate the intercommunication not merely of letters but of persons—I say, that for Congress thus to affirm now, is to throw contempt on that people, to discourage them, to alienate them. In all time past, what have been the appropriations of Congress for purposes connected not only with the postal facilities, but with the commerce, with the wealth, and the manufacturing interests of the Atlantic States? Look at the cost of your postal communication with Europe. Have you had no eye to the accommodation of emigrant passengers? So with every other portion of the globe.

Now, it is insisted by the gentleman, that it costs a great deal to send out an empty stage coach across the continent. Sir, the continent is ours; it belongs to the nation. The Indian tribes between the Missouri river and the Rocky Mountains are the wards of this nation; they are to be conquered; they are to be subdued; they are to be subjugated to law and civilization. How are you to accomplish that? You will cut off all the supplies for sending an empty stage coach—and such a thing never crossed the continent—and you will confine these new States, circumstanced as they are as pioneers in the work of civilization and conquest, as men laid under contribution by the laws and genius of this Government to subdue it, and to subdue the aborigines of this continent, and to hold the western half of the continent to the union of these States, and to the title of this Government, with the certainty and steadiness with which the needle points

to the pole. You have imposed this duty on them; this is their destiny. Now, will men hailing from wealthy States which have absorbed the wealth of this nation for the last seventy years, turn round and say, "we are able to meet our responsibilities and the cost of these advantages, and you must do the same, and we will limit your advantage to the amount you contribute?" Such is not, in my judgment, the policy or genius of this nation.

Mr. WILSON. Mr. President, a word or two in reply to the earnest and enthusiastic and emphatic speech of the Senator from Oregon. The Senator tells us that he feels impelled, because he is a new member, to speak.

Mr. SMITH. Will the Senator allow me to interrupt him?

Mr. WILSON. Certainly.

Mr. SMITH. I did not say I was impelled to make a speech because I was a new member, but that I regretted the necessity of making a speech, being a new member; but, inasmuch as the gentleman had assailed what I understood to be the interests of the Pacific coast, I felt called upon to reply.

FEBRUARY 26, 1859.

The Senate, as in Committee of the Whole, having under consideration the bill making appropriations for the support of the Army for the year ending the 30th of June, 1860.

Mr. WARD offered the following amendment:

"And that the sum of \$184,554 57, or so much thereof as may be necessary, is hereby appropriated for the payment of the volunteer troops called into service by General Persifer F. Smith, of the United States Army, and Governors Pease and Runnels, of Texas, from the 1st day of November, 1854, to the 27th day of June, 1858, for the protection of the frontier of said State against the hostile Indians; and the accounting officers of the Treasury are hereby authorized and required to reimburse said State, out of said appropriation, for all advances made by her for the support and payment of said troops: *Provided*, That satisfactory proof be made that the emergency existed; that the troops served and were paid by the State: *Provided further*, That the volunteers so called out, shall not receive higher pay and allowances than the volunteers of the same description in the service of the United States."

* * * * *

Mr. HALE. So far as I am concerned, I have a very brief answer to all these applications, and it is satisfactory to my mind; and it is this: as long as you pay bounties for any particular production you will have it, and just as long as you pay bounties on Indian wars you will have them. A friend of mine this session related to me an anecdote; I will not give his name. He met one of his friends who had gone out West, into Washington Territory, I think, and when he came back, after a year or two, he inquired how they were getting on there. "Oh, tolerably well," was the reply; "the country is very fine, a good soil, but we have no money; and now what we want to give us a start is an Indian war. If we could get that up, we should succeed as they have in other Territories." The old gentleman who told me the story said it was not a year before they had an Indian war. Whether the bills for that Indian war are paid or not, I do not know; but so long as we pay bounties on Indian wars, we shall have them, and the more we pay the more we shall get; and just exactly as often as you send your army into the Indian territory you will have wars. Withdraw your army and you will have no war. I am against the whole of it.

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Mr. SMITH. I rise, Mr. President, for the purpose of noticing the remarks which the honorable Senator from New Hampshire submitted, a

short time ago, to the Senate. It seems that the honorable gentleman cannot allow any opportunity to pass without a fling at the people of the Pacific coast; and he has illustrated his opinion and his view of the pending amendment by quoting from Richard Roe or John Doe, who purport to hail from the Pacific coast, in relation to the Indian wars there, that somebody, some nameless personage, had said to some other nameless personage, that the times were not very good out there; that money was scarce and the soil was not prolific——

Mr. HALE. No; that the soil was good, but that there was not much money.

Mr. SMITH. Well, that the soil was good, but that there was not much money out there; and if they could only kick up an Indian war, it would be a sort of Godsend to them. I will ask the Senator to name the gentleman. Will he be kind enough to name the man, hailing from the Territory of Washington, who gave utterance to that sentiment?

Mr. HALE. I cannot say whether his name was Smith, or Jones, or what it was. (Laughter.) I do not know the man; but it was a member of the Senate who told me the anecdote.

Mr. SMITH. It would not surprise me to hear that his name was Hale. (Laughter.) Smith and Jones are no names at all, and they answer to the John Doe and Richard Roe of the law. It is just such witnesses as these, who have no name and no habitation and no character, that are invoked here whenever assaults are made on the integrity and character of the people of the Pacific coast. I think the time has come when Senators, when they would throw contempt upon the people whom I have the honor in part to represent here, should bring upon the stage and invoke the presence and the testimony of living and veritable men. That Senator, I repeat, has never failed, since Oregon has been a people and a country, to throw contempt and distrust upon her character and her integrity. I am here to meet these accusations and to vindicate that people. They are as incapable of provoking an unjust and unrighteous war with savages for the purpose of plundering the national Treasury as are the people of New Hampshire; for we have a great many of the gentleman's former fellow-citizens with us there; and one of his near neighbors, in the late war with the Indians, in 1855 and 1856, was the Quartermaster General, and made the purchases which were made during the progress of that war. The only thing I ever heard against him was that he was at one time the personal and political friend of the Senator from New Hampshire. (This statement, I do not indorse, for I have *no* charges to bring against the worthy Quartermaster.)

I have only to say, sir, that if any citizen of Oregon or Washington ever did give utterance to the language imputed to this nameless personage, he was a fool. I have traveled through those Territories since the close of the war of 1855-'56; I traveled, last summer, forty miles in a valley which had been resplendent in beauty; where every section and half section of land had been occupied, cultivated, and improved, but where then, I saw nothing but the charred remains of the houses and the buildings of the settlers. The bones of my fellow-citizens were there, and every house and barn and rod of fence had been consumed by fire applied by savages. I saw women whose husbands had been murdered, whose children had been thrown into the burning element, and they compelled to witness it. Throughout three-fourths of that country, all of Washington Territory, and the valley of the Rouge river, in Oregon, the inhabitants who remained had to build pickets and live in blockhouses. The whole country was desolated; millions of property were destroyed, and,

for a period of twelve long months, no farmer dared go from his own door. Men were shot down, cattle were killed by the thousand, all over the country, and crimes, so horrid, so barbarous, inhuman, that it would be improper to name them in the Senate, were perpetrated. When our fellow-citizens, and the fellow-citizens of the Senator from New Hampshire, were being butchered, their women ravished, their little ones burnt in the presence of their parents, and the whole country laid desolate; when your own Indian agents were hewn down, in an hour when they did not expect it, by the savages; and when the officers of your own Army, like Cæsar appealing to Cassius, "help, or I sink," invoked the aid of the citizens of the country to stay the ravages of these savages, and to protect the homes and the lives of our people; and our Governor, your Federal officer, appealed to the people; those people, at their own charge, left their homes, their firesides, and their altars, furnished their own horses, their own guns, their own munitions of war, and went into an Indian country, an inhospitable country, in the midst of winter, and there met the savages, the heavens being their covering and the earth their bed, and lived for weeks upon horse-flesh, to protect the lives of their fellow-citizens. All this was done at the instance of your Federal officers; and though our people spent, including services, more than five million dollars, to this day they have not received one cent. Thousands were made desolate, their homes destroyed by the savages, but they have had not one cent of remuneration, and yet we are taunted by the Senator from New Hampshire; whenever any question is up involving our relations with the Indians, or the history of our Indian wars, forsooth, an American Senator, who would mock us in the midst of our patriotism and sacrifices, tell us that John Doe, and he is not certain whether that is his name, or whether it is Smith or Jones, somebody from out there, said "the soil was good but money was scarce, and if they could only provoke a war with the Indians they would have good times;" and he added, "that within one year of that declaration, an Indian war was inaugurated."

Sir, I hurl these imputations back with scorn and contempt into the teeth of the man who utters them. I represent a chivalrous and honorable people, incapable of provoking war with savage tribes for any purpose under God's sun. "The soil is rich; but money is scarce?" Why, sir, where do you get your money but from the Pacific coast? We have it there; we dig it up there; and, notwithstanding our Indian wars, we have more wealth to-day, according to our numbers, than have the people of New Hampshire. We are not beggars; we do not crawl upon our stomachs, and say, "good masters, please;" but when the time shall come to call upon Congress to pay the expenses of that war, we shall importune no man for his vote because it is a matter of especial favor or grace to us; but, upon the facts, we will demand our rights.

Mr. HALE. I think, Mr. President, that if I were a man of a great deal more ambition than I am, I should be more than satisfied, if I am not eloquent myself, to be the occasion of such eloquence in others. I plead not guilty to the charge of having said anything disparaging of Oregon, or California, or Washington, or the Pacific coast generally. I plead not guilty, and should ask for a bill of particulars before I went to trial on such an indefinite charge as that.

Sir, the honorable Senator calls upon me for a witness; and I will cite one whose story far exceeds anything I have suggested, and let the Senator undertake to answer him if he can. That witness whom I would quote, and whom the Senator may deal with, and thunder with, and denounce, and hurl back with scorn and reduplicate indignation, would be Brigadier

General Wool. I allude to the statement published under his own hand, and under his own name, in the public journals of this city; and having said that, I would leave it, premising that I have said nothing about Oregon in this debate to-day. I did not say a word about Oregon. I did not know that we admitted Washington when we took in these two Senators from Oregon. (Laughter.) The communication I referred to came from Washington.

Mr. SMITH. Allow me to suggest that this Indian war pertains to Washington and Oregon; it was one war, and we are one people so far as our reputation and that war are concerned.

Mr. HALE. Very well sir; I am glad to hear it; but I am not going to deal with or dwell upon that subject. The honorable Senator has certainly displayed a great degree of zeal, and it seems to me, an unwarrantable and unprovoked amount of indignation at a great deal of modesty. He called on me for the name of the individual. I told him I did not know; that it might have been Smith or Jones. Now, he says Smith is no name at all. Sir, have we been laboring under a delusion all the time? [Laughter.] I insisted that it was a real, substantial, living, name; and I think if there has been any such delusion as that existing in our minds heretofore, it must have been dispelled by the very forcible manner in which the honorable Senator has made himself heard on this occasion. I did not mean anything more than to say that the name of the individual to whom I referred was not known to me; and it is not, and I shall not undertake to cite it; but as the Senator has challenged me to a citation on this subject, I have cited one party whose story, I think, would not tally exactly with the account which the honorable Senator has given of these Indian wars. But I did not mean to provoke any such discussion as this. I should be like—no, sir; I will not illustrate it any further. When I made the remark, I made it in application generally to the Indian wars that had been provoked in the country. The application of it at this time is made in regard to Texas, to which the honorable Senator from New York said it did not apply. But, sir, I am not to be driven from the point by any such denunciations as these; and I defy the honorable Senator, (Mr. SMITH,) with all his astuteness, and with all his ingenuity, to find a single word that ever fell from my lips, or a single act that I ever did, that was disparaging to any part of the Pacific coast. I deny it utterly; and the Senator cannot build up his own reputation by framing any such issue with me. In the exercise of that discretion, or that power, which is conferred on me as a Senator of the United States, when the question of the admission of Oregon under the constitution which she presented was submitted to the Senate, I voted against it. For that I have no apologies to make. I simply say, that I did it because I thought my duty required me to do it. When other Territories have presented themselves here for admission as States, and gentlemen have thought themselves bound, by their obligations as Senators, to vote against them, I never understood that it was an impeachment of the character of the people of the Pacific coast. I would remind Senators coming from the Pacific coast, and from the oldest State on the Pacific, to wit, California, that I stood here through one long session, from December, 1849, I think, up to the 30th of September, 1850, voting constantly, in every way in which the question could be presented, for the admission of California into this Union; and the gentlemen with whom the elder Senator from California is now politically united, were as constantly voting against her admission. The Senator shakes his head. I should like to be corrected, if my statement is not true.

Mr. GWIN. Does the Senator say that the whole Democratic party resisted the admission of California?

Mr. HALE. Pretty near.

Mr. GWIN. Not pretty near.

Mr. HALE. I did not mean the whole party, but the sachems did; I mean those to whom the Senator from Kentucky (Mr. THOMPSON) referred, when he spoke of the wise men who were enough to lead, if all the fools did not follow. (Laughter.)

Mr. GWIN. Was not General Cass one of the sachems of the party?

Mr. HALE. He was until he wrote the Nicholson letter, and then he was deposed. He never could command after that. I believe he was, as the sailors say, disrated after that. But I mention this to show that I did not suppose at that time, and do not suppose now, that the honorable Senator from California, who was then in attendance, presumed that the gentleman who so persistently and constantly voted against the admission of California into the Union, thereby intended any reproach or disrespect to her people. No such issue at that time was suggested or raised, and none such is raised now. The honorable Senator should remember, for he seems to attribute much consequence to the position I took, that there were two grounds upon which I voted against the admission of Oregon, and they were grounds altogether regardless of the character of her people. I never said and never thought, that there was anything of that sort which could be brought against these western Territories on the Pacific coast, and I beg now here to say, so far as I am concerned, that if I ever hear the character of that people called in question, in any particular, more especially in anything that relates to eloquence and fine arts, I will appeal to this day's debate as a living refutation of anything that may be said in disparagement of the taste and the cultivation and the Ciceronian eloquence and Demosthenean thunder that come from that people. (Laughter.)

Mr. SMITH. I will not consume the time of the Senate by prolonging this discussion. I will say, at this time, that I am prepared to respond to the letters of General Wool, referred to by the honorable Senator, and to refute his charges against the government and people of Oregon; but this is not the occasion. Hereafter, also, should it become necessary, I will exhibit the record for the purpose of making good my allegation against the honorable Senator of having uniformly opposed the best interests and spoken disparagingly of the people of Oregon and of the Pacific coast generally.

I have but a single word more to add, at this time, and that is simply this: the gentleman suggests that he was not aware of the fact, though it may be one, that he is laboring under a delusion. It would not surprise me if he should continue to labor under a delusion for some time to come; and, without casting any imputation whatever on that gentleman, I can say, for myself, that my ambition is, and shall be, to represent honestly and fairly the people of Oregon, whilst I have the honor of a seat on this floor. I am not anxious to acquire the reputation, here or elsewhere, of a wit, a buffoon, or a blackguard, and shall never play the dandy-Jack of the ring.